



Defendant.

CIVIL ACTION NO. 3:15-4655-MGL-TER

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
GRANTING PLAINTIFF’S MOTION TO DISMISS,
DISMISSING THE CASE WITH PREJUDICE,
AND DENYING AN AWARD OF ATTORNEY’S FEES**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on June 23, 2017, but neither party filed any objections to the Report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court Plaintiff’s motion to dismiss is **GRANTED**, the case is **DISMISSED WITH PREJUDICE**, and an award of attorney’s fees is **DENIED**.

IT IS SO ORDERED.

Signed this 10th day of July, 2017, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE